

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

4202-03000

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on July 15, 2010Signature /Jerri Pearson/Typed or printed Jerri Pearson
name _____

Application Number

10/593,524

Filed

July 29, 2008

First Named Inventor

Xin Yao

Art Unit

2441

Examiner

Ruolei Zong

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor./Grant Rodolph/

Signature

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)Grant Rodolph

Typed or printed name

☒ attorney or agent of record.
Registration number 50487972-731-2288

Telephone number

☐ attorney or agent acting under 37 CFR 1.34.July 15, 2010

Date

Registration number if acting under 37 CFR 1.34 _____

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Xin Yao

Application No.: 10/593,524

371(c) Date: July 29, 2008

For: METHOD AND APPARATUS FOR
IMPLEMENTING SIGNALING PROXY

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§ Group Art Unit: 2441

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§ Examiner: Ruolei Zong

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§ Confirmation No.: 2772

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PRE-APPEAL CONFERENCE BRIEF

Claim Rejections – 35 U.S.C. § 102

U.S. Patent 6,754,709 (*Gbadegesin*) fails to anticipate claims 1, 11, 22, and 23 because *Gbadegesin* fails to teach that a signaling proxy (SP) processes a message if the destination address (DA) of the message is different than a SP address and an address for which the message is intended. Claims 1 and 13 require **the DA of the message is different than a SP address and an address for which the message is intended**. In contrast, *Gbadegesin* discloses two proxy forwarding situations: (1) when the DA is the proxy address; and (2) when the DA is the address for which the message is intended. In the first case, *Gbadegesin*'s DA is **the same as** the proxy address:

Traditional proxies, as illustrated in FIG. 5, are application programs existing in the user mode 86 that serve as the interface between the private 60 and the public 64 network (see FIG. 6). Unlike NATs, **the proxy 88 must be addressed directly by the client machines as seen in the destination address field 90 of message packet 92**, and therefore requires that the client applications C₁, C₂, etc. be setup to operate with a proxy 88. Many applications cannot do this, or require specific configuration changes to allow the use of a proxy, and therefore a proxy configuration may not be appropriate, or even possible, for use with all applications.

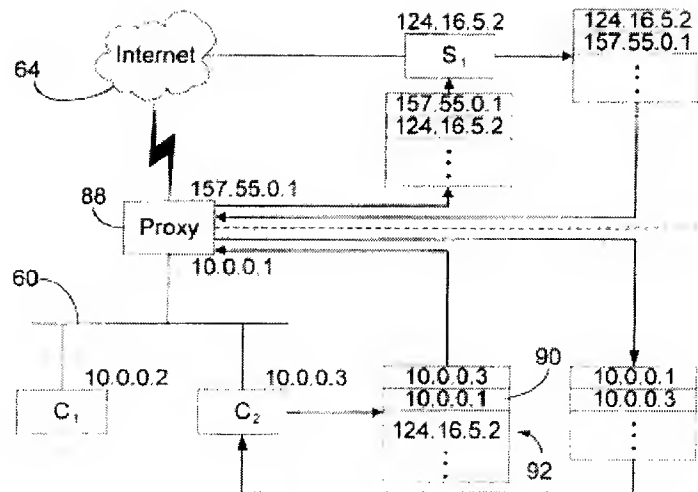


FIG. 6
(PRIOR ART)

Gbadegesin, col. 2, ll. 18-28 (emphasis added) and FIG. 6 (where the DA 90 of the message 92 sent from C₂ is the proxy 88 address). As shown above, *Gbadegesin*'s DA is the same as the proxy address, and thus does not anticipate the claimed limitation. In the second case, *Gbadegesin*'s DA is the same as the address for which the message is intended:

A further dynamic redirection that may be commanded by the intelligent transparent proxy of the instant invention is illustrated in FIG. 12. A client C₁ may wish to establish a session with server S₁ by addressing messages thereto. This is the apparent session from the client C₁'s point of view, as illustrated by the dashed line 124. However, when the gNAT machine 126 detects the message from C₁ addressed to S₁, it checks to determine if a dynamic redirect exists for such a session as discussed above. As illustrated in FIG. 12, a dynamic redirect 128 does exist to forward the message to the proxy session 141. The proxy may include a translation of both the source and destination addresses such that the messages are actually forwarded by the proxy to server S₂ with an indication that the source was C₂. From the server S₂'[s] point of view, an apparent session 130 has been established between S₂ and C₂. The actual session 132 that has been established is between C₁ and S₂, although neither C₁ nor S₂ knows that this is the case. Each of the required translations is accomplished transparently.

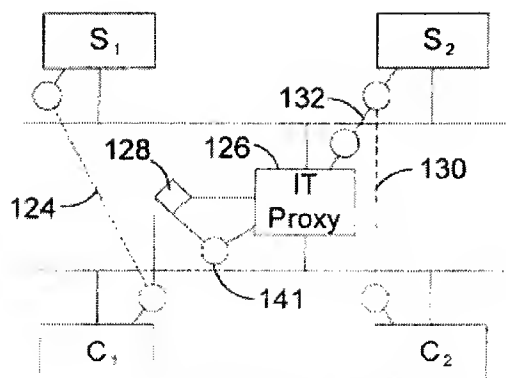
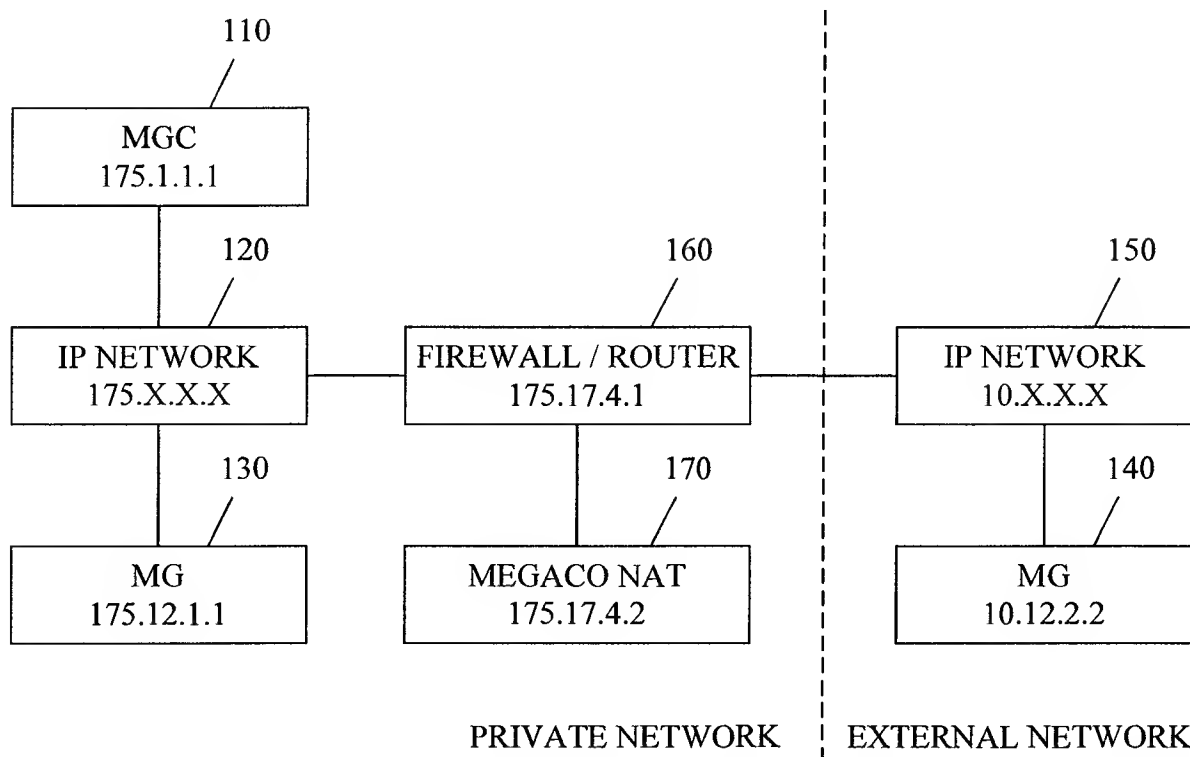


FIG. 12

Gbadegesin, col. 11, ll. 43-61 (emphasis added) and FIG. 12; *see also* FIG. 2. As shown above, *Gbadegesin*'s client: (a) wishes (i.e. intends) to send the message to server S_1 ; and (b) addresses the message to server S_1 . Therefore, the DA of the message is **the same as** the address for which the message is intended, and thus does not anticipate the claimed limitation. While C_1 's message ultimately arrives at S_2 , the above limitation requires that the DA be different than **the address for which the message is intended** (i.e. S_1), **not** that the DA be different than the address at which the message ultimately arrives (i.e. S_2). Thus, *Gbadegesin*'s DA is the same as the address for which the message is intended. As such, *Gbadegesin* fails to teach at least one limitation of independent claim 1, and consequently fails to anticipate claims 1, 11, 22, and 23.

U.S. Patent 7,146,410 (*Akman*) fails to anticipate claim 24 because *Akman* fails to teach a SP located between a terminal and a server, and a router located between the terminal and the SP. Claim 24 requires a SP located between a terminal and a server, and a router located between the terminal and the SP. In contrast, *Akman*'s SP is not located between the terminal and the SP. The Examiner contends that *Akman*'s MEGACO NAT functionality in the MEGACO NAT 170 in FIG. 1B corresponds to the claimed SP, *Akman*'s media gateway (MG) 130 corresponds to the claimed terminal, and *Akman*'s media gateway controller (MGC) 110 corresponds to the claimed server. *See* advisory action dated March 14, 2010, p. 2. Assuming such is true (and without

conceding such), *Akman's* second embodiment fails to teach the above limitations because the SP (MEGACO NAT) in *Akman's* second embodiment is not located between the terminal (MG) and the server (MGC):



Akman, FIG. 1B (modified). As shown above, the SP (MEGACO NAT) in *Akman's* second embodiment is not located between the terminal (MG) and the server (MGC). The Examiner contends that *Akman's* col. 4, ll. 1-13 & 42-60 teach that the messages proceed allowing the following path: terminal → Firewall/Router 160 → MEGACO NAT 170 → Firewall/Router 160 → MGC. See advisory action dated March 14, 2010, p. 2. However, the Examiner's position is consistent with the Applicant's position: *Akman's* messages travel through the MEGACO NAT, which is not located on the path between the MG and the MGC. Thus, *Akman's* second embodiment fails to teach a SP located between a terminal and a server. As such, *Akman* fails to teach at least one element of independent claim 24, and consequently fails to anticipate claim 24.

Claim Rejections – 35 U.S.C. § 103

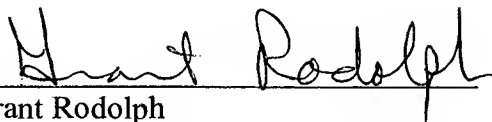
Claims 4 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gbadegesin* in view of U.S. Patent Application Publication 2002/0021688 (*Chen*). Claims 5 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gbadegesin* in view of *Chen* and *Akman*. Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gbadegesin* in view of *Akman*. Claim 21 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gbadegesin* in view of *Akman* and U.S. Patent 7,574,522 (*Oguchi*). Claim 28 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Akman* in view of *Oguchi*. Claims 4, 5, 8, and 21 depend from independent claim 1, claims 13 and 14 depend from independent claim 11, and claim 28 depends from independent claim 24. Claims 1, 11, and 24 are allowable over the cited prior art for the reasons discussed above, thus claims 4, 5, 8, 13, 14, 21, and 28 are also allowable

CONCLUSION

Consideration of the foregoing amendments and remarks, reconsideration of the application, and withdrawal of the rejections and objections is respectfully requested by the Applicant. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 50-1515 of Conley Rose, P.C., Texas.

Respectfully submitted,
CONLEY ROSE, P.C.

Date: 7/15/10


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